

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: DeFrancesco et al. CONFIRMATION NO. 7166
U.S. APPL. NO.: 10/650,389 ART UNIT: 3692
FILING DATE: November 6, 2003 EXAMINER: Nguyen, Nga B.
TITLE: Computer Implemented Automated Credit Application Analysis
and Decision Routing System

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN:DIRECTOR OF TECHNOLOGY CENTER 3600

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181**

Applicant requests that the Director of Technology Center 3600 grant this petition to withdraw the holding of abandonment of the above-referenced application. Specifically, the holding of abandonment was issued in error, without statutory support for the finding of abandonment.

The application was deemed abandoned on January 26, 2009, for Applicants' alleged failure to properly respond to the Final Office Action dated July 25, 2008. With a three-month extension of time, the date to timely file a response to the Final Office Action was January 25, 2009. See 37 C.F.R. § 1.136(a). On January 23, 2009, Applicant filed a Response to the Final Office Action and a Petition for Extension of Time under 37 C.F.R. § 1.136(a).

In support of Applicants' petition, attached please find the following exhibits:

Exhibit A- a copy of the Office's bibliographic record for U.S. Application No. 10/650,389;

Exhibit B - the cover pages of the Final Office Action dated July 25, 2008;

Exhibit C – the Electronic Acknowledgment Receipt for the filing of Applicants’ response and Petition for Extension of Time on January 23, 2009;

Exhibit D – the Notice of Abandonment dated January 26, 2009.

Exhibit D claims that, as of January 26, 2009, “No reply has been received.” As Exhibit C demonstrates, this is clear error. Thus, pursuant to 37 C.F.R. § 1.181(a) and M.P.E.P § 1002.02(c), this Petition seeks a withdrawal of the holding of abandonment.

We believe no fees are due for entry of this Petition. However, we hereby authorize charges to Deposit Account No. 50-4494 for any required fees or surcharges.

The Patent Office is invited to contact the undersigned with any questions pertaining to this Petition.

Respectfully submitted,

Date: March 31, 2009

/Andrew J. Baca/
Andrew J. Baca, Esq. (Reg. No. 60,887)
Attorney for Applicants

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Fax: (202) 346-4444

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901 New York Avenue, NW
Washington, D.C. 20001

EXHIBIT A

10/650,389	Computer implemented automated credit application analysis and decision routing system	03-31-2009::14:52:35
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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
02-03-2009	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	2
02-03-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-03-2009	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
02-03-2009	NPL	NPL Documents	PRIOR ART	11
02-03-2009	NPL	NPL Documents	PRIOR ART	15
02-03-2009	NPL	NPL Documents	PRIOR ART	11
02-03-2009	NPL	NPL Documents	PRIOR ART	5
01-26-2009	ABN	Abandonment	PROSECUTION	2
01-23-2009	PET.OP	Petition for review by the Office of Petitions.	PROSECUTION	2
01-23-2009	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
01-23-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	3
01-23-2009	SA..	Supplemental Response or Supplemental Amendment	PROSECUTION	1
01-23-2009	SPEC	Specification	PROSECUTION	1
01-23-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
01-23-2009	ADS	Application Data Sheet	PROSECUTION	3
01-23-2009	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
01-23-2009	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
01-23-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
01-23-2009	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
01-23-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
01-23-2009	XT/	Extension of Time	PROSECUTION	1
07-25-2008	CTFR	Final Rejection	PROSECUTION	8
07-25-2008	892	List of references cited by examiner	PRIOR ART	1
07-25-2008	FWCLM	Index of Claims	PROSECUTION	1
07-25-2008	1449	List of References cited by applicant and considered by examiner	PRIOR ART	3
07-25-2008	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
06-12-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
06-12-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
06-12-2008	NPL	NPL Documents	PROSECUTION	10
06-12-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
05-16-2008	DISQ	Terminal Disclaimer Approval form used within the USPTO	PROSECUTION	1
05-01-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	3
05-01-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	3
05-01-2008	FOR	Foreign Reference	PRIOR ART	11
05-01-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
05-01-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	6
05-01-2008	NPL	NPL Documents	PRIOR ART	1

05-01-2008	NPL	NPL Documents	PRIOR ART	2
05-01-2008	NPL	NPL Documents	PRIOR ART	2
05-01-2008	NPL	NPL Documents	PRIOR ART	2
05-01-2008	NPL	NPL Documents	PRIOR ART	2
05-01-2008	NPL	NPL Documents	PRIOR ART	12
05-01-2008	NPL	NPL Documents	PRIOR ART	5
05-01-2008	NPL	NPL Documents	PRIOR ART	8
05-01-2008	NPL	NPL Documents	PRIOR ART	12
05-01-2008	NPL	NPL Documents	PRIOR ART	9
05-01-2008	NPL	NPL Documents	PRIOR ART	5
05-01-2008	NPL	NPL Documents	PRIOR ART	10
05-01-2008	NPL	NPL Documents	PRIOR ART	13
05-01-2008	NPL	NPL Documents	PRIOR ART	14
05-01-2008	NPL	NPL Documents	PRIOR ART	12
05-01-2008	NPL	NPL Documents	PRIOR ART	10
05-01-2008	NPL	NPL Documents	PRIOR ART	12
05-01-2008	NPL	NPL Documents	PRIOR ART	9
05-01-2008	NPL	NPL Documents	PRIOR ART	12
05-01-2008	NPL	NPL Documents	PRIOR ART	8
05-01-2008	NPL	NPL Documents	PRIOR ART	6
05-01-2008	NPL	NPL Documents	PRIOR ART	7
05-01-2008	NPL	NPL Documents	PRIOR ART	10
05-01-2008	NPL	NPL Documents	PRIOR ART	10
05-01-2008	NPL	NPL Documents	PRIOR ART	6
05-01-2008	NPL	NPL Documents	PRIOR ART	7
05-01-2008	NPL	NPL Documents	PRIOR ART	8
05-01-2008	NPL	NPL Documents	PRIOR ART	9
05-01-2008	NPL	NPL Documents	PRIOR ART	13
05-01-2008	NPL	NPL Documents	PRIOR ART	7
05-01-2008	NPL	NPL Documents	PRIOR ART	8
05-01-2008	C.AD	Change of Address	PROSECUTION	1
05-01-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
04-03-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
04-03-2008	CLM	Claims	PROSECUTION	3
04-03-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
04-03-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
04-03-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	3
04-03-2008	DIST	Terminal Disclaimer Filed	PROSECUTION	1
04-03-2008	XT/	Extension of Time	PROSECUTION	1
04-03-2008	136A	Authorization for Extension of Time all replies	PROSECUTION	1
04-03-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-09-2007	RETMAIL	Mail returned to USPTO as undelivered	PROSECUTION	2
10-22-2007	PEFN	Pre-Exam Formalities Notice	PROSECUTION	1
10-11-2007	RETMAIL	Mail returned to USPTO as undelivered	PROSECUTION	58
10-10-2007	PA..	Power of Attorney	PROSECUTION	4
10-10-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2
10-03-2007	CTNF	Non-Final Rejection	PROSECUTION	12
10-03-2007	1449	List of References cited by applicant and considered by examiner	PRIOR ART	44
10-03-2007	892	List of references cited by examiner	PRIOR ART	1
10-03-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1
10-03-2007	FWCLM	Index of Claims	PROSECUTION	1

10-03-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
09-29-2007	SRNT	Examiner's search strategy and results	PROSECUTION	1
07-23-2007	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	39
07-23-2007	NPL	NPL Documents	PRIOR ART	49
07-23-2007	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	2
07-23-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-05-2007	C.AD	Change of Address	PROSECUTION	3
07-22-2005	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	7
05-10-2005	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	1
05-04-2005	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	2
03-18-2005	PA..	Power of Attorney	PROSECUTION	4
03-12-2004	OATH	Oath or Declaration filed	PROSECUTION	5
03-12-2004	XT/	Extension of Time	PROSECUTION	1
11-18-2003	PEFN	Pre-Exam Formalities Notice	PROSECUTION	2
08-28-2003	TRNA	Transmittal of New Application	PROSECUTION	3
08-28-2003	SPEC	Specification	PROSECUTION	75
08-28-2003	CLM	Claims	PROSECUTION	5
08-28-2003	ABST	Abstract	PROSECUTION	1
08-28-2003	DRW	Drawings-only black and white line drawings	PROSECUTION	49
08-28-2003	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
08-28-2003	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1

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EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,389	08/28/2003	James DeFrancesco	DLT-001DIV2	7166

51414 7590 07/25/2008
GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3692

NOTIFICATION DATE	DELIVERY MODE
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07/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentBos@goodwinprocter.com
hmcpeake@goodwinprocter.com
glenn.williams@goodwinprocter.com

Office Action Summary	Application No. 10/650,389	Applicant(s) DEFRANCESCO ET AL.	
	Examiner Nga B. Nguyen	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/08; 6/12/08</u> . | 6) <input type="checkbox"/> Other: _____ |

EXHIBIT C

Electronic Acknowledgement Receipt

EFS ID:	4666377
Application Number:	10650389
International Application Number:	
Confirmation Number:	7166
Title of Invention:	Computer implemented automated credit application analysis and decision routing system
First Named Inventor/Applicant Name:	James DeFrancesco
Customer Number:	51414
Filer:	Robert S. Blasi/Mary Hutchinson
Filer Authorized By:	Robert S. Blasi
Attorney Docket Number:	DLT-001DIV2
Receipt Date:	23-JAN-2009
Filing Date:	28-AUG-2003
Time Stamp:	17:53:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1920
RAM confirmation Number	3327
Deposit Account	071700
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		DLT-001DIV2ResponseToFinal.pdf	78819 d0f8a0a89beaa1a7194f69e4810885955b482c8f	yes	3
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Applicant Arguments/Remarks Made in an Amendment		2	3	
Warnings:					
Information:					
2	Extension of Time	DLT-001DIV2ExtTime.pdf	93282 9d9a3ef3854afac1cb3ca7d9aa54d948f712ff12	no	1
Warnings:					
Information:					
3	Request for Continued Examination (RCE)	DLT-001DIV2RCE.pdf	73752 be2de09981b80915ad551d90f4f764ac603de5dd	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	32184 9685c9a4a44c738ed736d00b22b8aaddcd65885e	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			278037		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

EXHIBIT D



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,389	08/28/2003	James DeFrancesco	DLT-001DIV2	7166
51414	7590	01/26/2009	EXAMINER	
GOODWIN PROCTER LLP PATENT ADMINISTRATOR 53 STATE STREET EXCHANGE PLACE BOSTON, MA 02109-2881			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3692	
			NOTIFICATION DATE	DELIVERY MODE
			01/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentBos@goodwinprocter.com
hmcpeake@goodwinprocter.com
glenn.williams@goodwinprocter.com

Notice of Abandonment	Application No.	Applicant(s)	
	10/650,389	DEFRANCESCO ET AL.	
	Examiner	Art Unit	
	Nga B. Nguyen	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 25 July 2008.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Nga B. Nguyen/
Primary Examiner, Art Unit 3692

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.